

**U.S. DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALEM DISTRICT**

**Revised Special Forest Products Categorical Exclusion Review**

**I. Background**

**BLM Office:** Salem District    **Lease/Serial/Case File No:** N/A

**Categorical Exclusion Number:** DOI-BLM-OR-S000-2014-0001-CX

**Date:** 9/21/2015

**Proposed Action Title/Type:** Special Forest Products

**Location of Proposed Action:** Salem District (Cascades, Marys Peak, and Tillamook Resource Areas)

**Land Use Allocation(s):** Adaptive Management Area, Late-Successional Reserve, Matrix, and Riparian Reserves

**A. Description of Proposed Action**

The Salem District Special Forest Products Program is important both to the Bureau of Land Management (BLM) and to the public it serves. The program provides the public with the opportunity to harvest special forest products (SFP) for recreational or personal use or commercially as a source of income. In addition, the program establishes clear policy and direction for these resources, enabling the BLM to more effectively manage and regulate the harvest of SFP, while protecting the resources and reducing possible hazards and environmental impacts.

Under the SFP Program, the BLM will offer and administer contracts for harvesting a variety of special forest products. In this document “contracts” include free use permits. The proposed action is for the Salem District BLM to issue up to 700 SFP contracts/permits per year.

The program includes, but is not limited to, the following products: beargrass, burls and specialty woods, cascara bark, Christmas trees, cones, conifer boughs, cut sticks, firewood (including standing roadside hardwood and conifers), fungi (mushrooms and quinine and other conks), greenery, pitch, products measured in board feet, transplant stock and roots, and truffles.

This categorical exclusion (CX) also covers products not specifically mentioned in this document, similar in character with similar environmental effects to the products analyzed in this CX. SFP harvest potentially will occur throughout the Cascades, Marys Peak, and Tillamook Resource Areas.

Since most SFP harvest is in response to requests from customers or is a by-product of timber sale planning, specific combinations of site, product, and/or timing cannot be predicted consistently. Quantities and products may vary annually depending on demand, availability, limited program management budgets, seasonal limitations, and changes in laws, regulations and policies.

The BLM will allow the collection of SFP in accordance with the restrictions on locations and times of the year described in the project design features in CX Appendix A (SFP Project Design Features) and CX Appendix B (Specific Restricted Areas). The BLM will review prospective SFP contracts and permits to ensure that they comply with all applicable restrictions.

In addition, all contracts will include special provisions designed to ensure resource sustainability and protection of other resource values such as Special Status plant, fungi, or fish and wildlife species. The special provisions will include all mandatory provisions listed in the Special Forest Products Procedure Series, BLM Manual Supplement Handbook 5400-2 (Release 5-242, 4/13/94). Other provisions also may be included to meet project-specific needs. The BLM may revise the Special Contract Provisions for the Harvest of Individual Special Forest Products (included in the project file) at any time to incorporate changes required by law, updated legal advice, or recommended by the Interdisciplinary Team (IDT) for adequate protection of resource values.

## II. Land Use Plan Conformance:

**Land Use Plan Name:** *Salem District Record of Decision and Resource Management Plan (1995 RMP)*

**Date Approved:** March 1995

**Date Amended:** January 2001 by the *Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and Other Mitigation Measures Standards and Guidelines*, dated January 2001 (SM/ROD) with subsequent Annual Species Reviews. These actions comply with the SM/ROD as described above and utilize the December 2003 species list. This list incorporates species changes and removals made as a result of the 2001, 2002, and 2003 Annual Species Reviews (ASR) with the exception of the red tree vole. For the red tree vole, the Ninth Circuit Court of Appeals in *KSWC et al. v. Boody et al.*, 468 F.3d 549 (9th Cir. 2006) vacated the category change and removal of the red tree vole in the mesic zone, and returned the red tree vole to its status as existed in the 2001 ROD Standards and Guidelines, which makes the species Category C throughout its range.

The proposed action is in conformance with the Land Use Plan (LUP) because it is specifically provided for in the following LUP decision(s): RMP, pp. 49-50: Special Forest Products: Manage for the production and sale of special forest products when demand is present and where actions taken are consistent with primary objectives for the land use allocation. Use the principles of ecosystem management to guide the management and harvest of special forest products.

### III. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11, 11.9 C-2, which allows for removal of trees which are dead, diseased, or which constitute a safety hazard; C-5, which allows for the disposal of small amounts of miscellaneous vegetation products outside established harvest areas (e.g., Christmas trees, wildings, floral products (ferns, boughs, etc.), cones, seeds, and personal use firewood); and C-7, which allows for removing individual trees for sawlogs, specialty products, or fuelwood, and incidental removal of trees for landings, skid trails, and road clearing.

#### A. Categorical Exclusions: Extraordinary Circumstances Review

Table 1: Categorical Exclusions: Extraordinary Circumstances Review (43 CFR 46.215)		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
<p><b>(a) Have significant impacts on public health or safety?</b></p> <p><i>Rationale:</i> The SFP program will have no impacts on public health or safety and therefore will have no significant impacts on public health or safety. All activities associated with the proposed SFP program will be conducted in a forested location outside of population centers and will conform to established Occupational Safety and Health Administration rules concerning health and safety.</p>		No
<p><b>(b) Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, national natural landmarks, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, national monuments, migratory birds, other ecologically significant or critical areas?</b></p> <p><i>Rationale:</i> SFP activities will not adversely affect areas with unique geographic characteristics. SFP contracts will not be issued within any park, recreation or refuge lands, wilderness areas, or national natural landmarks. See the response to (g) for historical and cultural resources. For example:</p> <ul style="list-style-type: none"> <li>• <b>Area of Critical Environmental Concern (ACECs):</b> SFP contracts only will be allowed as described in CX Appendices A and B. Salem District will not allow SFP Contracts in designated and potential ACECs that would have impacts on the relevant and important values.</li> <li>• <b>Prime or Unique Farm Lands:</b> There are no Prime or Unique Farm Lands on BLM-administered lands within the Salem District.</li> <li>• <b>Floodplains:</b> The project is small in scale and will not change the character of the river floodplain, change floodplain elevations, or affect over-bank flooding. The majority of special provisions prohibit harvest from floodplains.</li> <li>• <b>Wetlands:</b> Special stipulations for each product provide protection to aquatic systems and the stream banks. Harvest of SFP resulting in ground disturbance or shade reduction below ODEQ requirements will not be allowed within 50 feet of streams, ponds, lakes, and wet areas larger than one acre or within any wet area smaller than one acre.</li> <li>• <b>Wild and Scenic Rivers:</b> SFP contracts will not be issued for any areas within designated, eligible, or suitable Wild and Scenic River segments, unless collection or harvest of the product would protect, restore, or enhance the river environment.</li> <li>• <b>Wilderness:</b> SFP contracts will not be issued for any areas within designated wilderness areas, wilderness study areas, or lands with wilderness characteristics.</li> </ul>		No

<b>Table 1: Categorical Exclusions: Extraordinary Circumstances Review (43 CFR 46.215)</b>		
<b>Will the Proposed Action documented in this Categorical Exclusion</b>	<b>Yes</b>	<b>No</b>
<p>The SFP program will not alter the ability of forest stands to provide habitat for migratory birds. Therefore significant impacts from SFP collection activities are not anticipated. See response to (g), CX Appendices A and B.</p>		
<p><b>(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2) (E)]?</b></p> <p><i>Rationale:</i> The effects of this SFP program are not controversial and there are no unresolved conflicts concerning alternative uses of available resources. Past experience has shown that the environmental effects of the SFP program in forest stands are not highly controversial. The Salem District RMP established the land use allocation and goals for the affected lands. As such, there is no unresolved conflict regarding other uses of these resources.</p>		No
<p><b>(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?</b></p> <p><i>Rationale:</i> Past experience from this type of activity has shown no highly uncertain, potentially significant, unique or unknown risks.</p>		No
<p><b>(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?</b></p> <p><i>Rationale:</i> The SFP program is addressed and authorized under the existing RMP. As such, this project represents implementation of that land use plan decision, not a decision in principle on future actions.</p>		No
<p><b>(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?</b></p> <p><i>Rationale:</i> There are no cumulative effects associated with the SFP program; therefore, there are no significant cumulative effects as a result of these actions. The SFP program will not alter the forest age class distribution of BLM lands in the affected watersheds. The SFP program will not create canopy gaps across an area sufficient to alter timing or magnitude of peak and base flows in the watersheds. There will be no increase in road density or flow routing by roads which will affect stream flows.</p>		No
<p><b>(g) Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office?</b></p> <p><i>Rationale:</i> Eligible, listed and potentially eligible properties are on the District. Known sites will be avoided. The BLM will require reporting of any findings. The majority of products sold do not involve ground disturbance activities. Therefore significant impacts from SFP collection activities are not anticipated.</p>		No
<p><b>(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?</b></p> <p><i>Rationale:</i></p> <p><b>Fish:</b> Harvest of SFP resulting in ground disturbance, large wood reduction, or shade reduction below ODEQ requirements will not be allowed within 100 feet of streams with listed fish. All harvesting will comply with Aquatic Conservation Strategy objectives. Harvesting activities within riparian areas may be permitted if those activities are not likely to result in ground disturbance or sediment delivery to stream channels.</p>		No

<b>Table 1: Categorical Exclusions: Extraordinary Circumstances Review (43 CFR 46.215)</b>		
<b>Will the Proposed Action documented in this Categorical Exclusion</b>	<b>Yes</b>	<b>No</b>
<p>Fisheries biologists will review collection areas proposed within riparian areas and set boundaries or other limits as necessary to ensure that collection activities will have “no effect” on listed fish and their habitat. Issuance of SFP permits which “may affect” listed fish species will require consultation.</p> <p><b>Plants:</b> No harvest of SFP will be allowed in any areas identified as containing threatened, endangered, or Special Status vascular plants, fungi, lichens, or bryophytes. In the event that a Special Status species is identified within a harvest area, that area may be withdrawn, depending on the species and the type of harvest.</p> <p><b>Wildlife:</b> Harvest may occur in areas with threatened, endangered, or Special Status wildlife species, if harvest meets the Endangered Species Act (ESA) “no effect” determination. Restrictions on the timing and location of collection activities will minimize the potential for direct effects to species and habitat. See CX Appendices A and B.</p>		
<p><b>(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?</b></p> <p><i>Rationale:</i> The SFP program follows all known Federal, State, local, or Tribal laws or requirements imposed for the protection of the environment. The proposed action is in conformance with the direction given for the management of public lands in the Salem District RMP, which complies with all applicable laws, including the Federal Land Policy Management Act, Endangered Species Act, Historic Preservation Act, Clean Water Act, and others. For example:</p> <p><b>Air Quality:</b> The majority of products sold do not require motorized tools. Use of motorized tools for the remaining products would be for short durations. Some reduction of fuels in the form of firewood gathering may decrease the amount of burning needed for fuel reduction associated with other projects.</p> <p><b>Water Quality:</b> Harvest of SFP resulting in ground disturbance or shade reduction below ODEQ requirements will not be allowed within 50 feet of streams, ponds, lakes, and wet areas larger than one acre, or from within any wet area smaller than one acre. Project design features for each product provide protection to aquatic systems and the stream banks (CX Appendix A, section 3).</p>		No
<p><b>(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?</b></p> <p><i>Rationale:</i> The proposed action is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.</p>		No
<p><b>(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?</b></p> <p><i>Rationale:</i> Harvest/Collection of SFP will have no effect on access or use of sacred sites. No SFP permits will be issued in any known sacred sites located within Salem District BLM land.</p>		No
<p><b>(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?</b></p> <p><i>Rationale:</i> Due to the nature of SFP harvest, negative impacts, including the spread or increase of any noxious weed species that may occur within a harvest area, are not anticipated. Areas with a high abundance of noxious weeds are generally not valuable for SFP. All soil-disrupting equipment will be required to be clean and free of dirt and vegetation as directed by the contract administrator.</p>		No

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. District personnel have reviewed the proposed action, and none of the 12 extraordinary circumstances described in 43 CFR Part 46, Section 46.215 (see Table 1, above) apply to the proposed action.

I considered the potential adverse effects of collecting SFP on riparian and upland habitats, species, and special designations such as ACECs and all land use allocations. Project Design Features (CX Appendix A) and Specific Restricted Areas (CX Appendix B) define where, when, and how contractors or permit holders may harvest SFP. With the implementation of these project design features, there is no potential for significant impacts resulting from the proposed action. Additional forms found in CX section V include Appendix C – Special Forest Product Monitoring Form, Appendix D – Special Forest Products NEPA Compliance Documentation, and Appendix E – Field Inspection Report for Special Forest Product Sales.

**IV. Signature:**

Specialist Review and Concurrence:

Resource	Name(s)	Initial(s)
Aquatic/Fisheries	Bob Ruediger	<i>BAR</i>
Botany	Claire Hibler	<i>CDH</i>
Cultural Resources	Heather Ulrich	<i>HAU</i>
Hydrology / Soils	Steve Wegner	<i>SJW</i>
Recreation/Visual Resources/Wilderness/ Wild and Scenic Rivers	Jeff McCusker	<i>JBM</i>
Silviculture	Hugh Snook	<i>HWS</i>
Team Lead/Lead Author	Carolyn Sands	<i>CDS</i>
Timber	Tim Lieske	<i>HWS for TL</i>
Wildlife	Roy Price	<i>RDP</i>
Cascades Special Forest Products Coordinator	Jim LeComte	<i>JPL</i>
Cascades NEPA Coordinator	Dave Simons	<i>dls</i>
Cascades Field Manager	John Huston	<i>CJP for JH</i>
Marys Peak Special Forest Products Coordinator	Kevin Foster	<i>KWF</i>
Marys Peak NEPA Coordinator	Stefanie Larew	<i>SNL</i>
Marys Peak Field Manager	Tessa Teems	<i>TT</i>
Tillamook Special Forest Products Coordinator	Landon Rhodes	<i>LSR</i>
Tillamook NEPA Coordinator	Andy Pampush	<i>ATP</i>
Tillamook Field Manager	Karen Schank	<i>KMS</i>

Contact Person: For additional information concerning this CX review; contact Carolyn Sands, Salem District Planner, in person at 1717 Fabry Rd. SE, Salem, OR 97306, by e-mail at [csands@blm.gov](mailto:csands@blm.gov), or by telephone at (503) 315-5973.

Authorized Official:   
 Kim Titus, District Manager  
 Salem District

Date: 9/25/15

## V. Appendices

### Appendix A: Special Forest Products (SFP) Project Design Features

Unless otherwise noted for a specific application, these definitions, restrictions, conditions, and guidelines apply for all SFP. Each project design feature is subject to all other guidelines, which apply, as described in this Categorical Exclusion Review; the Special Forest Products Procedures Series, BLM Manual Supplement, and Handbook 5400-2. Section 3 of this Appendix, Project Design Features for Specific Products, is based on the special contract provisions recommended in Chapter VIII and Appendix 2 of the SFP Handbook.

*Any harvest of SFP that do not follow these project design features will require separate review for NEPA compliance.*

#### 1. Project Design Features Common to All Products:

Unless otherwise noted for a specific product, location, or time, the definitions, restrictions, conditions, and guidelines in this section apply to harvest of any SFP from BLM-administered lands in the Salem District.

##### a. Land Use Allocations and other Resource Management Plan Designations

- i. Guidance given in the Salem RMP (p. 49) includes:
  - 1) Managing for the production and sale of SFP when demand is present and where actions taken are consistent with primary objectives for the land use allocation (LUA).
  - 2) Using the principles of ecosystem management to guide the management and harvest of SFP.
  - 3) Ensuring resource sustainability and protection of other resource values such as Special Status plants, fish, or wildlife species within the Late-Successional Reserve (LSR) LUA.
- ii. All SFP contracts will comply with the Salem District Resource Management Plan and existing NEPA documents.
- iii. The SFP manager or Authorized Officer will initially determine if there is a potential for each SFP contract to affect the local ecosystem within the guidelines of this document. If the SFP manager determines that harvest of a SFP will not adversely affect existing habitat, the District may issue a contract to a purchaser/permittee.
- iv. All SFP contracts will comply with the applicable Late-Successional Reserve (LSR) assessment.
- v. Within the Riparian Reserve LUA, the BLM will allow the purchaser/permittee to:
  - 1) Harvest SFP within the no harvest buffers described in CX section vi with documented site-specific reviews by the Resource Area (RA) hydrologist, botanist, aquatic biologist, and wildlife biologist for compliance with ACS objectives.
  - 2) Harvest SFP in existing and proposed road rights-of-way in compliance with design features described in CX Appendix A, section d.

- 3) Harvest of products (other than fuel wood) in the upland portions of the Riparian Reserves outside of the “no harvest buffers”. See CX section vi.
- vi. Within the Riparian Reserve LUA, the BLM will prohibit the purchaser/permittee from:
- 1) Harvesting SFP, which result in ground disturbance or shade reduction below ODEQ requirements, within 50 feet of streams, ponds, lakes and wet areas larger than one acre, or from within any wet area smaller than one acre. BLM hydrologists and fisheries biologists may require wider buffers in certain areas. SFP managers will consult these specialists prior to issuing a SFP permit.
  - 2) Harvesting SPF, which result in ground disturbance, large wood reduction, or shade reduction below ODEQ requirements, within 100 feet of streams with listed fish.
  - 3) The BLM will not issue SFP permits in designated, eligible or suitable Wild and Scenic River segments, unless collection or harvest of the product would protect, restore or enhance the river environment.

## **b. Special Status Species**

- i. Northern Spotted Owl
  - 1) BLM will review northern spotted owl site locations annually so the SFP managers can update the SFP Restricted Areas lists.
  - 2) BLM SFP contract permits will prohibit the purchaser/permittee from:
    - a) Producing noise above ambient forest levels, (e.g., using mechanized machinery), from March 1 through July 7 within 0.25 mile of a known northern spotted owl nest in the Coast Range, and from March 1 through July 15 in the Cascade Range.
    - b) Climbing trees in or adjacent to the nest area from March 1 through September 30.
- ii. Marbled Murrelet:
  - 1) BLM will review marbled murrelet sites locations annually so the SFP managers can update the SFP Restricted Areas lists.
  - 2) BLM SFP contract/permits will prohibit the purchaser/permittee from:
    - a) Producing noise above ambient forest levels from April 1 through August 5 within 0.25 mile of an occupied marbled murrelet site.
    - b) Climbing trees in or adjacent to an occupied marbled murrelet site from April 1 through September 15.
- iii. Bald Eagle:
  - 1) BLM will review bald eagle nest site locations annually so the SFP managers can update the SFP Restricted Areas lists.
  - 2) BLM SFP contract/permits will prohibit the purchaser/permittee from producing noise above ambient forest levels from January 1 through August 31 within 0.25 mile of a bald eagle nest site or within 0.50 mile direct line of sight.
- iv. Oregon Coast and Lower Columbia River Coho Salmon, Lower Columbia River Chinook and Upper Willamette Chinook Salmon, Lower Columbia River and Upper Willamette Steelhead Species and Eulachon:

- 1) BLM SFP contract/permits will prohibit the purchaser/permittee from harvesting SFP, which result in ground disturbance, large wood reduction or shade reduction below ODEQ requirements, within 100 feet streams with listed fish.
  - 2) SFP managers will consult with District and/or RA fisheries biologists prior to issuing a SFP permit. Fisheries biologists should review collection areas proposed within riparian areas and set boundaries or other limits as necessary to ensure that collection activities will not affect listed fish habitat. Issuance of SFP permits which result in an ESA “may affect” determination for listed fish species will require consultation.
- v. Other Bureau Special Status and Survey and Manage Animal, Botanical and Fungal Species:
- 1) BLM will not issue a permit to harvest Bureau Special Status or Survey and Manage botanical and fungal species unless the permit is needed for collections for scientific purposes.
  - 2) This CX covers only SFP harvest activities that do not alter existing habitats for Bureau Special Status and Survey and Manage animal, botanical, and fungal species.
  - 3) BLM will review Special Status and Survey and Manage species known sites annually and staff will add new known site locations to Appendix B, Specific Restricted Areas. BLM would manage known sites of Survey and Manage categories A and B and high priority sites of Survey and Manage categories C and D.
- vi. Botanical sensitive areas, Areas of Critical Environmental Concern (ACEC), Research Natural Areas (RNA), Outstanding Natural Areas (ONA) and Established Recreation Sites:
- 1) Salem District will not issue contracts for the harvest of SFP that would compromise designated or proposed relevant and important values as determined in ACEC management plans or by the RA ACEC coordinator.
  - 2) Harvesting of SFP within developed recreation sites will be limited to “reasonable amounts” (see section **f, vii**) or amounts established by the RA recreation planner;
- Research projects may be exempted with proper documentation.

### **c. Cultural Resources**

If any cultural and/or paleontological resource (historic or prehistoric site or object) is discovered during the harvest/collection of SFP, the BLM will suspend all operations in the immediate area of the discovery until a professional archeologist evaluates the discovery and determines appropriate actions to prevent the loss of significant cultural or scientific values. SFP managers will consult the Salem District Archeologist if a discovery is made. The Archaeological Resources Protection Act of 1979 prohibits excavating, removing, damaging, or defacing any archaeological resources on federal land.

### **d. Planned Timber Harvest Units**

- i. The BLM may issue permits to harvest SFP in proposed timber sale units.
- ii. The SFP Handbook defines when the sale and harvest of various SFP (p. IV-1) may take place. Prior to SFP harvest, the BLM IDT will:

- 1) Map planned timber sale unit boundaries, which may change as BLM staff find additional streams and wet areas during layout. SFP managers will determine SFP harvest after the IDT develops the timber sale “proposed action”.
- 2) Approve the potential SFP harvest proposal; and identify seasonal restrictions, restricted areas within the proposed harvest unit boundaries (e.g., known wet areas smaller than one acre, steep slopes or rock outcrops which would be reserved as green tree retention clumps, etc.); and operational restrictions (machinery, ground disturbance, noise, etc.).

#### **e. Forest Roads**

- i. The BLM contract/permit will require the purchaser/permittee to:
  - 1) Drive only on existing roads and park so as not to block traffic; and
  - 2) Comply with all road closures.
- ii. The BLM contract/permit will allow the purchaser/permittee to:
  - 1) Harvest SFP, except wildflowers listed under federal or state laws, in existing roads within the limits normally affected by road maintenance operations (normally the cut and fill bank) following the product’s specific design features described in section 2 of this CX appendix;
  - 2) Harvest SFP within the rights-of-way of existing forest roads on BLM-administered lands in compliance with the product’s specific design features described in section 3, **a-p** of this CX appendix;
  - 3) Harvest SFP within the posted clearing limits of proposed road construction for timber sales. If NEPA documentation for the road construction project conflicts with this design feature, the site-specific NEPA document takes precedence.
- iii. This CX appendix defines forest roads, for purposes of SFP harvest, as rocked or paved roads on BLM-administered lands which are open for travel by policy, ownership, and/or agreement. Roads specifically excluded from this definition include: state highways, county roads, roads within designated recreation sites/areas, roads which have been closed by the BLM or other landowners (by locked gates, physical barriers, signs, or publication of closed status in the Federal Register), roads which have been allowed to revert to impassable conditions (overgrown with brush, erosion, landslide, etc.), which are not planned to be opened for other purposes, natural surface “jeep trails”, and tractor fire-lines or yarding trails.
- iv. The SFP manager may sell permits on roads behind closed gates if either the BLM or the purchasers make arrangements for passage. The BLM will not guarantee access through gates.
- v. For purposes related to SFP, the BLM defines the road right-of-way as extending from five feet above the top of the cut bank or outside of the ditch cut, to the toe of the fill slope.
- vi. Additional Restrictions include:
  - 1) In areas where SFP harvest is generally prohibited, BLM may permit SFP harvest within the road rights-of-way prior to road maintenance activities.
  - 2) Where harvest is seasonally restricted, SFP harvest will comply with those restrictions.

- 3) Within 0.25 mile of any designated recreation sites, the RA Recreation Specialists will review all SFP proposals to ensure that harvest is not in conflict with recreation values.
- vii. The BLM contract/permit prohibits the purchaser/permittee from driving on unsurfaced roads during periods of wet weather.

**f. Sale of Special Forest Products**

- i. Each SFP contract will include a map showing where harvest is allowed and include a list of species-specific special provisions and instructions for the relevant SFP (CX project file).
- ii. The SFP manager may revise special contract provisions at any time to incorporate changes required by law, updated legal advice, or recommended by the IDT for adequate protection of resource values.
- iii. For each contract issued, the authorized officer issuing the contract will certify that the action is consistent with this CX or other NEPA documentation as described in Appendix D: Salem District Special Forest Products NEPA Compliance Documentation. If existing NEPA documentation does not adequately address a SFP harvest action, the BLM will prepare additional NEPA prior to issuing the contract.
- iv. The SFP manager will consult resource specialists, as appropriate, during contract and site condition review.
- v. For contracts issued by the receptionist at the front desk under the direction of the SFP manager, the SFP manager is responsible for ensuring that the action is covered by appropriate NEPA documentation.
- vi. The SFP manager will monitor and inspect at least 20 percent of contracts sold, at the site where harvest occurred. District personnel will complete the monitoring form listed in CX Appendix C and file the copy of the contract with the Salem District.
- vii. “Reasonable Amounts” Pursuant to 43 CFR 8365.1-5: (Handbook, p. V-1) Law and policy allows for harvest (from BLM lands) of small amounts of beargrass, berries, boughs, cones, greenery, and mushrooms for personal use, and for collection of firewood for use in campfires on the public lands. Since such collection does not require any contract or other direct contact with the BLM it is, by its very nature, an almost completely unregulated recreational activity. As such, harvest of “Reasonable Amounts” is allowed in all locations and at all times unless specifically prohibited or restricted. There are no design features for harvest of “Reasonable Amounts” beyond laws and regulations governing entry and related activities on Federal lands and State laws governing harvest, possession, and transport of SFP. On BLM-administered lands in Oregon, reasonable amounts for noncommercial free use have been established for the products listed below:

Special Forest Products	Unit of Measure (Field Conditions)	Oregon Reasonable Amounts (Per Person per Year)**
Beargrass	Pounds	25
Berries	Gallons	5 / species
Boughs, All Conifer Species	Pounds	25
Cones - Ornamental	Bushels	2
Cones - seed	Bushels	1
Greenery - All types	Pounds	25
Mushrooms	Gallon	5 / species*

- \* Mushroom collection is limited to the harvest of one gallon per day per person in Oregon; and not more than five gallons per species per calendar year.
  - \*\* The reasonable amounts direction does not apply to the harvest of underground fungi (e.g. false truffles, truffles). The BLM requires a SFP permit to harvest all underground fungi (e.g. false truffles, truffles).
- viii. Use of Forest Products for Campfires: Section 43 CFR 8365.1-5(b) (5) allows for the collection of firewood (i.e., limbs, branches, or other woody debris) for campfire use on the public lands.
  - ix. Timing For The Sale Of Special Forest Products
    - 1) The District may sell permits throughout the year in compliance with seasonal restrictions described in other sections of this CX, and depending on demand for products.
    - 2) The SFP manager has the discretion to cease the issuance of SFP permits during times of high fire danger (Oregon Department of Forestry Industrial Fire Precaution Level 3 or 4).

### **g. Additional Products**

When there is an identified demand for a product which has not been identified and analyzed in this CX, the Resource Area IDT will determine whether the product falls in the scope of this CX or needs a separate NEPA document. If the product is within the scope of this CX, the SFP manager will prepare a Determination of NEPA Adequacy (DNA), and with appropriate Field Manager approval, incorporate product design features and special provisions as an addendum to this CX.

## **2. General Restricted Areas**

Map(s) of the current Restricted Areas are available in the project file; and will be attached to the Salem District and Special Forest Products NEPA Compliance Documentation form (CX Appendix D) at the time of issuing the SFP contract. These maps show the restrictions as of September 2014. CX Appendix B shows a list of restricted areas by Resource Area.

### **a. No Harvest Areas**

- i. For the following areas listed in the RMP (RMP, p. 49, cross reference to SFP Handbook, p. IV-1), the BLM will not issue SFP contracts in the following “no harvest” areas: research natural areas (RNA), outstanding natural areas (ONA), environmental education areas, developed recreation sites, designated, eligible, and suitable Wild and Scenic River segments, designated wilderness areas, and lands with wilderness characteristics. See CX Appendix B.
- ii. Additional “no harvest” areas include areas identified by IDT specialists also may be excluded from harvest or have restrictions on harvest of SFP, with approval by the appropriate Field Manager.

**b. “No Harvest” or “Limited Harvest” Areas**

- i. For the following areas listed in the RMP (RMP, p. 49, cross reference to SFP Handbook, p. IV-1), the appropriate Field Manager will approve potential contracts for SFP to meet resource values and objectives for the following areas: Areas of Critical Environmental Concern (ACECs which are not also RNAs or ONAs), Special Habitats, and Special Status Plant and/or Animal Sites. The Field Manager determines whether these areas are “no harvest” or “limited harvest”.
- ii. Other seasonal and operational restrictions within “no harvest” or “limited harvest” areas include:
  - 1) Level 1: No harvest of any kind (except “reasonable amounts”) at any time.
  - 2) Level 2: No harvest operations of any kind (except “reasonable amounts”) from March 1 through September 30.
  - 3) Level 3: Site specific restrictions on season and operations. See CX Appendix B for a list of restricted areas. These restrictions will take precedence over lesser restrictions for the LUA.
  - 4) In rare instances, the district may issue contracts for collection of SFP for limited, non-commercial amounts in Areas of Critical Environmental Concern (ACEC), or Research Natural Areas (RNA). These limited contracts may be issued only if the following criteria are satisfied:
    - a) Collection of the SFP would not conflict with the existing management plan for that area (see Management plans for each ACEC);
    - b) Within ACECs, collection of SFP would not compromise the important and relevant values for which the area was designated;
    - c) In the absence of an approved management plan, such as in proposed ACECs, the district may issue contracts if collection does not adversely affect the values identified within the special area; and
    - d) The District Manager or appropriate Field Manager will decide on a case-by-case basis whether to issue contracts in areas withdrawn under current Salem District Record of Decision and Resource Management Plan (RMP) of May 1995 and/or Timber Production Capability Classification of fragile and non-suitable woodland areas. The managers will consider the type of product, the contract size, and the specific location.

**3. Project Design Features for Specific Special Forest Products**

Design features for specific products are based on the special contract provisions recommended in Chapter VIII and Appendix 2 of the SFP Handbook. These sections are incorporated by reference as design features for each product. Design features discussed in this section are in addition to, or provide more detail for application of provisions in the SFP Handbook (also see Special Contract Provisions for the Harvest of Individual Special Forest Products in the project file). The BLM will issue SFP permits within the Matrix, Adaptive Management Area, Late Successional Reserve, and Riparian Reserve LUAs unless otherwise specified.

**a. Beargrass**

- i. The BLM contract/permit will require the purchaser/permittee to harvest beargrass by harvesting no more than 25 percent of the foliage of any individual plant;
- ii. The BLM contract/permit will prohibit the purchaser/permittee from:
  - 1) Damaging the center of the plant where the flower stalk forms, or the flowers themselves (SFP Handbook, p. VIII-6); and
  - 2) Harvesting beargrass within 50 feet of streams, ponds, lakes, and wet areas larger than one acre or from within any wet area smaller than one acre.

**b. Burls and Specialty Woods**

- i. The BLM contract/permit will require the purchaser/permittee to harvest burls and specialty woods by:
  - 1) Selling the entire tree for the highest combined value of burls, figured wood, sawlogs, and firewood rather than selling and harvesting only a part of the tree;
  - 2) Reserve the tree/log if there is a shortage of coarse woody debris; and
  - 3) Follow seasonal restrictions on harvest activity unless waived in writing by the Resource Area wildlife biologist.
- ii. The BLM contract/permit will allow the purchaser/permittee to harvest burls and specialty woods in the following locations and situations:
  - 1) In planned timber harvest units after IDT clearance and prior to cruising;
  - 2) In previously harvested timber sale units if the Resource Area wildlife biologist determines that harvest and removal of these pieces would not interfere with attainment of coarse woody debris (CWD) and green tree retention objectives on that site; and
  - 3) Windthrown trees, with the same design features as for other wood products.
- iii. The BLM contract/permit will prohibit the purchaser/permittee from:
  - 1) Harvesting slab burls (clock faces, small table tops) from live trees except in planned timber sales where the trees are not reserved and there is no higher value product from the tree;
  - 2) Harvesting slab burls (clock faces, small table tops) from live trees except in road rights-of-way;
  - 3) Damaging reserve trees; and
  - 4) Harvesting burls and specialty woods within 50 feet of streams, ponds, lakes and wet areas larger than one acre, or within any wet area smaller than one acre.

**c. Cascara Bark**

- i. The BLM contract/permit will require the purchaser/permittee to harvest bark by:
  - 1) Felling all trees from which bark is harvested;
  - 2) Leaving a 12 inch tall stump, measured on the uphill side, with bark intact to encourage sprouting;
  - 3) Harvesting shaded trees before un-shaded trees;

- 4) Leaving uncut and undamaged 25 percent or 1/4 of all trees larger than four inches diameter at stump height, and all trees smaller than four inches diameter in any given area;
  - 5) Peeling all branches two inches diameter and larger on all felled trees to avoid wasting bark; and
  - 6) Scattering branches and collection debris into timbered areas and away from roads, road shoulders, ditches, and/or streams.
- ii. The BLM contract/permit will allow the purchaser/permittee to leave limbs less than two inches in diameter and boles less than three inches in diameter at the one-foot stump unpeeled.
  - iii. The BLM contract/permit will prohibit the purchaser/permittee from:
    - 1) Harvesting cascara bark in the Late Successional Reserve land use allocation;
    - 2) Peeling bark from standing trees;
    - 3) Damaging other trees; and
    - 4) Harvesting Cascara bark within 50 feet of streams, ponds, lakes and wet areas larger than one acre, or from within any wet area smaller than one acre.

#### **d. Christmas Trees**

- i. The BLM contract/permit will require the purchaser/permittee to harvest Christmas trees by cutting trees just above the lowest whorl of green branches.
- ii. The BLM contract/permit will allow the purchaser/permittee to:
  - 1) Harvest of up to three trees per household; and
  - 2) Harvest of up to three trees per commercial enterprise.
- iii. The BLM contract/permit will prohibit the purchaser/permittee from:
  - 1) Damaging other trees;
  - 2) Cutting trees over 12 feet high;
  - 3) Leaving more than 6 inches of stump;
  - 4) Topping large trees;
  - 5) Harvesting Christmas trees in fenced and unfenced progeny test sites or in any area specifically posted to prohibit Christmas tree cutting; and
  - 6) Harvesting Christmas trees within 50 feet of streams, ponds, lakes and wet areas larger than one acre, or within any wet area smaller than one acre.

#### **e. Cones**

- i. The BLM contract/permit will require the purchaser/permittee to harvest cones by minimizing damage to the tree.
- ii. The BLM contract/permit will prohibit the purchaser/permittee from:
  - 1) Cutting down the tree;
  - 2) Picking cones from trees that have yellow SEED TREE signs or painted numbers on them unless specifically allowed in the contract/permit;

- 3) Picking in posted areas specifically prohibiting cone picking;
- 4) Shooting cones or the branches out of a tree with a firearm; and
- 5) Climbing trees with stick nests. If a climber encounters a nest not seen from the ground, they will be required to descend from the tree immediately.

**f. Conifer Boughs**

- i. The BLM contract/permit will require the purchaser/permittee to harvest conifer boughs by:
  - 1) Cutting boughs with hand clippers or pole pruners;
  - 2) Leaving at least one vigorous, well colored lateral whorls with two or more branchlets which are at least 12 inches long on each branch;
  - 3) Flagging *Bridgeoporus nobilisimus* conks found during his/her operations, notifying the Authorized Officer of their locations; and
  - 4) Scattering branches and debris into timbered areas and away from roads, road shoulders, ditches, and/or streams.
- ii. The BLM will provide the purchaser information on identifying *Bridgeoporus nobilisimus* conks.
- iii. The BLM contract/permit will allow the purchaser/permittee to:
  - 1) Harvest conifer bough in any LUA except Riparian Reserves.
  - 2) Harvest boughs from branches extending into the roadway, in any LUA.
- iv. The BLM contract/permit will prohibit the purchaser/permittee from:
  - 1) Cutting boughs with saws (hand or power) and chopping tools;
  - 2) Climbing trees;
  - 3) Cutting boughs from trees less than 15 feet tall;
  - 4) Cutting boughs from the top 50 percent of the live crown of any tree, or the top six whorls of branches, whichever is greater;
  - 5) Cutting tops out of trees;
  - 6) Cutting boughs from trees with SEED TREE signs on them, from trees inside fenced areas, or from posted areas specifically prohibiting bough or Christmas tree cutting;
  - 7) Disturbing *Bridgeoporus* populations, walking on the conks and cutting boughs from the near side of adjacent trees; and
  - 8) Cutting or removing material within 50 feet of streams, ponds, lakes and wet areas larger than one acre, or from within any wet area smaller than one acre.

**g. Cut Sticks**

- i. The BLM contract/permit will require the purchaser/permittee to harvest cut sticks by:
  - 1) Harvesting cut sticks from stems with a large end diameter of four inches or less. The exceptions will be: a) Bow stave bolts which would be very select stems of larger diameters, and b) Where site specific evaluation determines that larger size does not meet standards for a more valuable product and their harvest does not compromise other resource values;

- 2) Leaving the largest and best formed stem from each sprouted stump or clump;
  - 3) Cutting sticks flush with the ground within the road right-of-way (driving surface) to prevent driving hazards; and
  - 4) Scattering all debris generated by the purchaser (branches and other collection debris) into timbered areas and away from roads and their ditches, road shoulders and/or streams upon completion of purchaser's operations.
- ii. The BLM contract/permit will allow the purchaser/permittee to:
- 1) Harvest all stems less than four inches diameter at the stump within forest road rights-of-way;
  - 2) Harvest cut sticks from forest stands older than 20 years, harvesting no more than 25 percent of the stems of any species in any area;
  - 3) Harvest stems from hardwood and brush species within plantations younger than 20 years;
  - 4) Harvest Pacific yew stems for bow staves; and
  - 5) Harvest cut sticks in the Late-Successional Reserve (LSR) LUA outside road rights-of-way with a written determination from Resource Area Botanist and Wildlife Biologist that the specific proposal is not "habitat manipulation" and is a "non-silvicultural activity" that is "neutral or beneficial to the creation and maintenance of late-successional habitat" and that it would not "have adverse effects on Late-Successional Reserve objectives." (RMP, p. 16 and p. 49).
- iii. The BLM contract/permit will prohibit the purchaser/permittee from:
- 1) Cutting trees in reforestation plantations less than 10 years old;
  - 2) Damaging coniferous trees; and
  - 3) Harvesting cut sticks within 50 feet of streams, ponds, lakes and wet areas larger than one acre, or from within any wet area smaller than one acre.

#### **h. Firewood (Down Logs)**

- i. The BLM contract/permit will require the purchaser/permittee to harvest down firewood by:
- 1) Leaving in place:
    - a) Standing trees (live or dead); and
    - b) Cedar logs greater than 10 inches in diameter.
  - 2) Cutting a piece to less than six feet long before being removed from the site, if the piece is equal or larger than eight inches in diameter.
  - 3) Removing all debris generated by the purchaser from roads and their ditches and/or streams upon completion of Purchaser's operations.
- ii. The purchaser/permittee may remove wood from the contract area in random lengths.
- iii. The BLM contract/permit will prohibit the purchaser/permittee from harvesting firewood within 50 feet of streams, ponds, lakes and wet areas larger than one acre, or from within any wet area smaller than one acre.

**i. Standing Roadside Firewood**

- i. The BLM contract/permit will require the purchaser/permittee to harvest firewood by:
  - 1) Removing standing trees located within the road right of way;
  - 2) Removing all debris generated by the purchaser from roads (including shoulders) and their ditches and/or streams, upon completion of Purchaser's operations; and
  - 3) Removing debris at least 10 feet from the edge of the road, to the downslope side of the road.
- ii. The BLM contract/permit will allow the purchaser/permittee to remove wood from the contract area in random lengths.
- iii. The BLM contract/permit will prohibit the purchaser/permittee from:
  - 1) Blocking traffic for more than 30 minutes;
  - 2) Marketing material as saw timber;
  - 3) Cutting or removing snags; and
  - 4) Cutting or removing cedar greater than 10" in diameter.

**j. Quinine Conk and Other Species of Conk**

- i. The BLM contract/permit will require the purchaser/permittee to harvest conks by:
  - 1) Breaking or cutting the conk from the tree or log with hand tools; and
  - 2) Cutting all fungi at the substrate level with hand tools only.
- ii. The BLM contract/permit will allow the purchaser/permittee to:
  - 1) Remove wood from the contract area in random lengths; and
  - 2) Harvest all species of conk (except special status species).
- iii. The BLM contract/permit will prohibit the purchaser/permittee from:
  - 1) Harvesting any species of conk in the LSR LUA;
  - 2) Using power tools;
  - 3) Falling live or dead trees;
  - 4) Cutting part of the tree to remove the conk;
  - 5) Harvesting *Bridgeoporus nobilissimus* and other special status conks;
  - 6) Disturbing the soil and/or substrate and moss mats;
  - 7) Disturbing woody debris, surrounding vegetation, or the mushroom's mycelial mat; and
  - 8) Collecting quinine conks within 50 feet of streams, ponds, lakes and wet areas larger than one acre, or from within any wet area smaller than one acre.

**k. Greenery**

- i. The BLM contract/permit will require the purchaser/permittee to harvest greenery by:
  - 1) Harvest greenery in the LSR LUA (except road rights-of-way) with a written determination from the Resource Area botanist and wildlife biologist that the specific proposal is not “habitat manipulation” and is a “non-silvicultural activity” that is “neutral or beneficial to the creation and maintenance of late-successional habitat” and that it would not “have adverse effects on Late-Successional Reserve objectives.” (RMP, p. 16 and p. 49);
  - 2) Submitting a site-specific plan approved by the Resource Area botanist and hydrologist for harvesting species which typically grow in wet areas (e.g. maiden hair fern, deer fern);
  - 3) Harvesting greenery sorted for individual piece quality by:
    - a) Cutting foliage, as individual fronds or small branches, with hand tools only;
    - b) Harvesting no more than 50 percent of the foliage of any single plant;
    - c) Harvesting no more than 50 percent of the total foliage of any species in any area; and
    - d) Harvesting all species not otherwise restricted using this harvest technique.
  - 4) Harvesting greenery Not Sorted for Individual Piece Quality by:
    - a) Mass harvesting greenery which is not sorted, typically medicinal greenery;
    - b) Submitting a site-specific plan approved by the Resource Area Botanist and Hydrologist;
    - c) Using hedge trimmers or other power tools and machinery in compliance with applicable seasonal restrictions;
    - d) Harvesting kinnikinnick or bearberry (*Arctostaphylos uva-ursi*, A. spp.), with either hand shears or a power sickle-bar type hedge trimmer. Use of power tools may be subject to seasonal restriction;
    - e) Harvesting no more than one third (33 percent) of the foliage of any bearberry patch or clump;
    - f) Harvesting no more than half (50 percent) of the foliage of any individual bearberry plant;
  - 5) Spreading collection between numerous plants, rather than confined to a few; and
  - 6) Removing all collection debris from the road surface, ditches, and/or streams.
- ii. The BLM contract/permit will prohibit the purchaser/permittee from:
  - 1) Disturbing root systems;
  - 2) Mowing or clear-cutting, then sorting greenery for individual piece quality; and
  - 3) Collecting greenery within the Riparian Reserve LUA or within 50 feet of wet areas larger than one acre, or from within any wet area smaller than one acre.

**l. Mushrooms**

- i. The BLM contract/permit will require the purchaser/permittee to harvest mushrooms by harvesting the fruiting body by hand picking or cutting with a knife.
- ii. The BLM contract/permit will prohibit the purchaser/permittee from:
  - 1) Commercially harvesting species other than Golden Chanterelle in the LSR LUA or within other mapped areas generally closed to harvest;
  - 2) Disturbing soil, woody debris, surrounding vegetation, duff and litter layer, and the mushroom's mycelial mat;
  - 3) Using rakes, leaf-blowers, shovels, and other tools which displace large amounts of material; and
  - 4) Harvesting mushrooms within 50 feet of streams, ponds, lakes and wet areas larger than one acre, or from within any wet area smaller than one acre.

**m. Pitch**

- i. The BLM contract/permit will require the purchaser/permittee to collect pitch by:
  - 1) Harvesting pitch in planned timber harvest units;
  - 2) Plugging holes after collection with a material approved by the BLM if the holes do not plug naturally from pitch flow;
  - 3) Collecting pitch using hand tools only;
  - 4) Limiting the bore to equal or less than  $\frac{3}{4}$  of an inch in diameter; and
  - 5) Creating holes equal or less than two feet above the ground.
- ii. The BLM contract/permit will prohibit the purchaser/permittee from tapping pitch from trees identified for green tree retention within planned timber harvest units, prior to pitch harvest.

**n. Products Measured in Board Feet**

- i. The BLM contract/permit will require the purchaser/permittee to harvest products by:
  - 1) Harvesting larger conifers that have in-place value as sawlogs; typically if there is enough volume to make it economically feasible to bring in the equipment needed to remove the logs as sawlogs;
  - 2) Harvesting down trees in rights-of way that are in or cross a stream channel as long as it would contribute to Aquatic Conservation Strategy (ACS) objectives. Other requirements include:
    - a) Avoiding damage to the stream channel;
    - b) Removing unstable debris by hand to prevent it from plugging a culvert;
    - c) Written approval from the Resource Area hydrologist and fishery biologist for any proposed harvest which would have potential to directly affect the riparian zone, stream channel, bank stability;
  - 3) Consulting the Resource Area wildlife biologist before harvesting a down tree or log that has potential to be habitat (e.g., large-diameter with bark becoming loose) for Bureau Sensitive amphibians;

- 4) Harvesting a down tree that was previously reserved as a wildlife tree or other green tree retention only if it is in the right-of-way of a forest road. Apply harvest rules for roads in the LSR to that tree, even if it is on Matrix land. Purchaser may harvest a previously reserved down tree if it is close enough to the road that it is likely to be removed illegally;
  - 5) Ensuring that the road is passible;
  - 6) Stabilizing the road prism;
  - 7) Preventing undesirable debris from entering streams; and
  - 8) Preventing fire hazards.
- ii. The BLM contract/permit will allow the purchaser/permittee to:
- 1) Harvest logging slash and debris after logging or road construction/repair operations;
  - 2) Harvest all slash and debris within 50 feet of the road and/or which has been piled for burning. This applies to both regeneration and partial harvest units;
  - 3) Harvest stems cut during young stand thinning and similar pre-commercial stand treatments;
  - 4) Harvest windthrown trees, illegally felled trees, trees removed by road maintenance operations, hazard trees felled for safety reasons, etc. when the highest in-place value is as sawlogs rather than SFP;
  - 5) Harvest down trees and logs:
    - a) Within rights-of-way of most forest roads in the resource area, where the highest use is sawlogs;
    - b) Within 200 feet (as determined by the location of the tree's roots) of roads and private property lines; and
    - c) Along the edge of a previous harvest unit (BLM or other owner) if feasible, regardless of distance from roads.
- iii. The BLM contract/permit will prohibit the purchaser/permittee from:
- 1) Harvesting fuel wood within the Riparian Reserve LUA except in road rights-of-way and locations where site-specific analysis determines that fuelwood harvest is "required to attain ACS objectives" (RMP, p. 49);
  - 2) Harvesting slash and debris more than 50 feet from the edge of the road in partial harvest units and once a regeneration harvest unit has been planted;
  - 3) Damaging reserve, guyline, and/or tailhold trees;
  - 4) Exporting unprocessed timber harvested from the area under contract/permit;
  - 5) Using timber of sawlog or peeler grades, sold pursuant to the contract/permit, as a substitute for timber from private lands which is exported by the Purchaser/Permittee;
  - 6) Gouging the ground or damaging standing trees or existing coarse woody debris (CWD);
  - 7) Using mechanized equipment off existing forest roads on BLM lands;
  - 8) Cutting standing trees for yarding corridors;
  - 9) Harvesting a down tree that is stable in a stream channel when no damage is likely to be caused by illegal and unregulated harvest; and

- 10) Harvesting special forest products within 50 feet of streams, ponds, lakes and wet areas larger than one acre, or from within any wet area smaller than one acre.

**o. Transplant Stock and Roots**

- i. The BLM contract/permit will require the purchaser/permittee to harvest transplant stock/roots by:
  - 1) Consulting the Resource Area botanist before harvesting species listed in [Oregon Wildflower Law](#) to avoid conflict with Oregon state laws regarding possession and transportation of these listed species (see RMP p.49; and SFP Handbook, p. VIII-11),
  - 2) Securing permission from the State of Oregon to possess and transport State listed wildflowers;
  - 3) Limiting harvest of State listed wildflowers to within the clearing limits of proposed road construction;
  - 4) Harvesting transplants only within the road right-of-way of proposed road construction;
  - 5) Filling in all holes created by collecting transplants/roots;
  - 6) Digging transplants and roots and filling in holes with hand tools only;
  - 7) Harvesting trees no taller than eight feet unless individually marked or special contract standards prohibiting harvesting burls and other large trees under the guise of transplant/root harvest;
  - 8) Limiting root harvest so as to not kill or severely injure any reserved plants; and
  - 9) Scattering transplants and/or seedlings selected for harvest locations throughout the contract area.
- ii. The BLM contract/permit will prohibit the purchaser/permittee from:
  - 1) Collecting roots, transplants and seedlings within 50 feet of streams, ponds, lakes and wet areas larger than one acre, or from within any wet area smaller than one acre;
  - 2) Harvesting special status species of vascular plant, including Survey and Manage species (RMP, pp. 28-31; Appendix B-1);
  - 3) Harvesting Pacific yew (*Taxus brevifolia*) except within the clearing limits of proposed road construction and only after consultation with the Resource Area botanist;
  - 4) Harvesting conifer trees within reforestation plantations;
  - 5) Harvesting species growing in wet sites (e.g. maiden hair fern, deer fern, Devil's club) unless site specific review determines that the harvest site is not a "wetland less than one acre" or other riparian buffer;
  - 6) Harvesting conifer and hardwood trees greater than four feet high, except vine maple and other brush species; and
  - 7) Harvesting plants which can individually be seen from any road; and
  - 8) Harvesting the following species: All Wild Lilies (Lilium), Mariposa Tulip, or Butterfly (Calochortus), Mission Bells, or Snake Lily (Fritillaria), Adder's Tongue, Dogtooth Violet, or Avalanche Lily (Erythronium), Lady's Slipper (Cypripedium), Purple Lady's Slipper (Calypso), Bitter Root (Lewisia), Native Rhododendron or Azalea (Rhododendron).

**p. Truffles**

- i. The BLM contract/permit will require the purchaser/permittee to harvest truffles by:
  - 1) Harvesting truffles using dogs trained to locate ripe truffles by scent;
  - 2) Harvesting only mature truffles;
  - 3) Replacing the forest litter of the disturbed area after harvesting truffles; and
  - 4) Providing the SFP officer with the harvest record of the previous permit, before another permit may be purchased.

**U.S. DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALEM DISTRICT**

**Decision Record**

It is my decision to implement the proposed action as described in the attached DOI-BLM-OR-S000-2014-0001-CX, incorporating all procedures and design features described in CX Appendices A and B. The following is a summary of this decision, hereafter referred to as the selected action.

The BLM will offer and administer contracts for harvesting a variety of special forest products. In this document “contracts” include free use permits.

SFP harvest will potentially occur throughout the Cascades, Marys Peak and Tillamook Resource Areas. Restrictions on specific locations, land use allocations, and types of areas are included in the Project Design Features (CX Appendix A). CX Appendix B shows a list of restricted areas.

Products harvested will include, but are not limited to: beargrass, burls and specialty woods, cascara bark, Christmas trees, cones, conifer boughs, cut sticks, firewood (including standing roadside hardwood and conifers), fungi (mushrooms and quinine and other conks), greenery, pitch, products measured in board feet, transplant stock and roots, and truffles.

Since most SFP harvest is in response to requests from customers or is a by-product of timber sale planning, specific combinations of site, product, and/or timing cannot be predicted consistently. Quantities and products may vary annually depending on demand, availability, limited program management budgets, changes in laws, regulations and policies, and seasonal limitations.

The harvest or collection of SFP will be allowed in accordance with the restrictions on locations, time of year, and harvest techniques described in the CX Appendices A and B.

Based on the attached Categorical Exclusion Documentation (DOI-BLM-OR-S000-2014-0001-CX), I have determined that the selected action, to provide the public with the opportunity to harvest Special Forest Products (SFP) for recreation, personal use, or commercial use, involves no significant impacts to the human environment and requires no further environmental analysis for the following reasons.

- I have reviewed the selected action, and none of the 12 extraordinary circumstances described in 43 CFR Part 46, Section 46.215 (see Table 1 in the attached CX) apply to this action.
- Project design features described in CX Appendix A (Design Features) and Appendix B (Specific Restricted Areas) define where, when, and how contractors or permit holders will harvest special forest products.
- All contracts will include special provisions designed to ensure resource sustainability and protection of other resource values such as special status plant, fungi or fish and wildlife species. The special provisions will include all mandatory provisions listed in the Special Forest Products Procedure Series, BLM Manual Supplement Handbook 5400-2, Release 5-242, 4/13/94.

- Other provisions also may be included to meet project-specific needs. Special contract provisions may be revised at any time to incorporate changes required by law, updated legal advice, or recommended by the Interdisciplinary Team (IDT) for adequate protection of resource values.

**Administrative Review Opportunities**

The Categorical Exclusion Review and Decision Record will be posted on the Salem District internet website. The action is subject to protest under 43 CFR section 4.450-2. A decision in response to a protest is subject to appeal to the Interior Board of Land Appeals under 43 CFR part 4.

**Implementation**

If no protest is received within 15 days after publication of this Decision Record, this decision will become final. For additional information concerning this decision, contact Carolyn Sands, District Planner, Salem District, 1717 Fabry Rd. SE, Salem, OR 97306, (503) 315-5973.

Authorized Official: Kim Titus  
Kim Titus, District Manager  
Salem District

Date: 9/25/15